

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BUNGIE, INC.,

Plaintiff,

v.

AIMJUNKIES.COM; PHOENIX  
DIGITAL GROUP, LLC; DAVID  
SCHAEFER; JORDAN GREEN;  
JEFFREY CONWAY; and JAMES  
MAY,

Defendants.

No. 2:21-cv-00811

[PROPOSED] SPECIAL JURY VERDICT  
FORM

Plaintiff Bungie, Inc. (“Bungie” or “Plaintiff”) and Defendants AimJunkies.com, Phoenix Digital Group, LLC (“Phoenix Digital”), David Schaefer, Jordan Green, Jeffrey Conway, and James May (collectively, “Defendants”) jointly submit the following proposed special jury verdict form.

[PROPOSED] SPECIAL VERDICT FORM  
(No. 2:21-cv-00811) –1

1 Dated: November 9, 2023

2 By: s/Jacob P. Dini

3 William C. Rava, Bar No. 29948

4 Christian W. Marcelo, Bar No. 51193

5 Jacob P. Dini, Bar No. 54115

6 **Perkins Coie LLP**

7 1201 Third Avenue, Suite 4900

8 Seattle, Washington 98101-3099

9 Telephone: +1.206.359.8000

10 Facsimile: +1.206.359.9000

11 WRava@perkinscoie.com

12 CMarcelo@perkinscoie.com

13 JDini@perkinscoie.com

By: s/Philip P. Mann

Philip P. Mann, WSBA No. 28860

**Mann Law Group PLLC**

403 Madison Ave., Ste 240

Bainbridge Island, Washington 98110

Phone (206) 436-0900

phil@mannlawgroup.com

*Attorneys for Defendants*

**VERDICT FORM**

**Instructions**

When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout. Your answer to each question must be unanimous. Some of the questions contain legal terms. These terms are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

1 We, the jury, unanimously agree to the answers to the following questions and return them  
2 under the instructions of this Court as our verdict in this case:

3  
4 **Plaintiff Bungie's Copyright Infringement Claim**

5 **QUESTION 1**

6 Did any of the Defendants infringe Bungie's copyright in any of the Destiny 2  
7 Copyrighted Works?

8 YES \_\_\_\_\_

9 NO \_\_\_\_\_

10  
11 *If the answer to Question 1 is "YES," please continue to Question 2. If the answer to Question 1*  
12 *is "NO," please continue to Question 7.*

13  
14 **QUESTION 2**

15 If you answered "YES" to Question 1, please indicate with an "X" which Defendant(s)  
16 directly infringed Bungie's copyright in the Destiny 2 Copyrighted Works?

17 James May \_\_\_\_\_

18 Phoenix Digital Group \_\_\_\_\_

19 David Schaefer \_\_\_\_\_

20 Jordan Green \_\_\_\_\_

21 Jeffrey Conway \_\_\_\_\_

22  
23 *If the answer to Question 1 is "YES," please continue to Question 3. If the answer to Question 1*  
24 *is "NO," please continue to Question 7.*

**QUESTION 3**

If you answered “YES” to Question 1, please indicate with an “X” which Defendant(s) contributorily infringed Bungie’s copyright in the Destiny 2 Copyrighted Works?

James May \_\_\_\_\_

Phoenix Digital Group \_\_\_\_\_

David Schaefer \_\_\_\_\_

Jordan Green \_\_\_\_\_

Jeffrey Conway \_\_\_\_\_

*If the answer to Question 1 is “YES,” please continue to Question 5. If the answer to Question 1 is “NO,” please continue to Question 7.*

**QUESTION 4**

If you answered “YES” to Question 1, please indicate with an “X” which Defendant(s) vicariously infringed Bungie’s copyright in the Destiny 2 Copyrighted Works?

James May \_\_\_\_\_

Phoenix Digital Group \_\_\_\_\_

David Schaefer \_\_\_\_\_

Jordan Green \_\_\_\_\_

Jeffrey Conway \_\_\_\_\_

*If the answer to Question 1 is “YES,” please continue to Question 5. If the answer to Question 1 is “NO,” please continue to Question 7.*

**QUESTION 5**

If you answered “YES” to Question 1, please indicate with an “X” which Defendant(s) willfully infringed Bungie’s copyright in the Destiny 2 Copyrighted Works?

James May \_\_\_\_\_

Phoenix Digital Group \_\_\_\_\_

David Schaefer \_\_\_\_\_

Jordan Green \_\_\_\_\_

Jeffrey Conway \_\_\_\_\_

*If the answer to Question 1 is “YES,” please continue to Question 6. If the answer to Question 1 is “NO,” please continue to Question 7.*

**QUESTION 6**

What amount do you award in actual damages for Defendants’ copyright infringement?  
Answer in dollars and cents the amount you award.

\$ \_\_\_\_\_

*Please continue to Question 7.*

**Counterclaimant James May's DMCA Claim****QUESTION 7**

Did Bungie circumvent any technological measure that effectively controls access to a work protected by copyright on James May's computer?

YES \_\_\_\_\_

NO \_\_\_\_\_

*If the answer to Question 7 is "YES," please continue to Question 8. If the answer to Question 7 is "NO," please proceed to the final instructions.*

**QUESTION 8**

What amount do you award in actual damages for Bungie's circumvention of any technological measure on James May's computer?

Answer in dollars and cents the amount you award.

\$ \_\_\_\_\_

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The Presiding Juror should then sign and date the verdict form in the spaces below and notify the courtroom deputy that you have reached a verdict. The Presiding Juror should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Presiding Juror